

Nauman Smith

Attorneys At Law

FILED

MAR 19 2013

**SURFACE
TRANSPORTATION BOARD**

Please Reply to:

P.O. Box 840

Harrisburg, PA 17108-0840

Benjamin C. Dunlap, Jr.

E-mail: bdunlapjr@nssh.com

(717) 236-3010, Ext. 21

March 18, 2013

FEDERAL EXPRESS OVERNIGHT MAIL

Anne K. Quinlan, Secretary
Surface Transportation Board
395 E Street, SW
Washington, DC 20423-0001

FEE RECEIVED

MAR 19 2013

**SURFACE
TRANSPORTATION BOARD**

RE: Docket No. AB 167 (Sub-No. 1192X) **233941**
Consolidated Rail Corporation -- Discontinuance
Exemption -- in Middlesex County, New Jersey

Docket No. AB 55 (Sub-No. 723X) **233942**
CSX Transportation, Inc. -- Discontinuance
Exemption -- in Middlesex County, New Jersey

Docket No. AB 290 (Sub-No. 342X) **233943**
Norfolk Southern Railway Company -- Discontinuance
Exemption -- in Middlesex County, New Jersey

ENTERED
Office of Proceedings

MAR 19 2013

Part of
Public Record

Dear Ms. Quinlan:

Enclosed for filing with the Board are the original and ten copies of a combined Notices of Exemption in reference to the above-described discontinuance of service (Consolidated Rail Corporation, CSX Transportation, Inc. and Norfolk Southern Railway Company), which are submitted pursuant to 49 C.F.R. §1152.50, together with three checks in the amount of \$3,700 each (total of \$11,100) to cover the filing fee. Pursuant to 49 C.F.R. §1104.2, the original and all copies are paginated consecutively to assist with scanning.

Also enclosed is a copy of the letter that was mailed pursuant to §1152.50(d)(1) giving advance notice of this filing as required by this section.

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Nauman Smith Shissler & Hall LLP • 200 North 3rd Street, 18th Floor • Harrisburg, PA 17101 • 717 236 3010 • fax 717 234 1025 • www.nssh.com

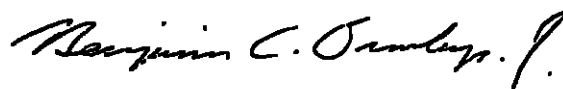
Anne K. Quinlan, Secretary

March 18, 2013

Page 2

Please time stamp the enclosed extra copy of this letter and return it to me in the enclosed self-addressed, stamped envelope

Sincerely,

A handwritten signature in cursive script, reading "Benjamin C. Dunlap, Jr.".

Benjamin C. Dunlap, Jr.

Enclosures

cc: All Parties on Attached Service List (US Mail)

BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, D C 20423

STB NO AB 167 (SUB-NO 1192X)

CONSOLIDATED RAIL CORPORATION – DISCONTINUANCE EXEMPTION – IN
MIDDLESEX COUNTY, NEW JERSEY

STB NO AB 55 (SUB-NO. 723X)

CSX TRANSPORTATION, INC. – DISCONTINUANCE EXEMPTION – IN
MIDDLESEX COUNTY, NEW JERSEY

STB NO AB 290 (SUB-NO. 342X)

NORFOLK SOUTHERN RAILWAY COMPANY – DISCONTINUANCE
EXEMPTION – IN MIDDLESEX COUNTY, NEW JERSEY

NOTICES OF EXEMPTION

- 1 Consolidated Rail Corporation ("Conrail") hereby files its verified notice of exemption pursuant to 49 C.F.R. § 1152.50 to discontinue service over the line of railroad described below CSX Transportation, Inc. ("CSXT") and Norfolk Southern Railway Company ("NS") hereby file their verified notices of exemption pursuant to 49 C.F.R. § 1152.50 to discontinue service over this same line of railroad described below. Maps showing the location of the line and more specifically describing the portion to be discontinued are attached hereto as Exhibit "A "

Name. Millstone Industrial Track

Location: Middlesex County, New Jersey

Line Code. 10 1428

Description of Track. From approximately milepost 0.77+ to approximately milepost 3.00± in Middlesex County, New Jersey, traversing United States Postal Service Zip Codes 08901, 08903 and 08906

Length of Track: 2.23 total miles±

- 2 Applicants certify that (a) no local or overhead traffic has moved over the line for at least two years, (b) any overhead traffic that has or could move over the line can be rerouted, and (c) no formal complaint filed by a user of rail service on the line (or a state or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending before the Board or any United States District Court or has been decided in favor of a complainant within the last two years.
3. The proposed consummation date of the discontinuance is May 20, 2013.
- 4 The exact names of the applicants are Consolidated Rail Corporation ("Conrail"), CSX Transportation, Inc. ("CSXT"), and Norfolk Southern Railway Company ("NS") (jointly referred to herein as "Applicants")
5. Applicants are common carriers by railroad subject to Subtitle IV, Part A, of Title 49, United States Code, and are not a part of any other railroad system.
- 6 The relief Applicants seek is discontinuance of service of the above-described line.
7. No salvage work is planned. No salvage work will be performed unless an abandonment of the line is subsequently applied for and consummated
- 8 As this is a discontinuance proceeding, and no salvage work will be performed, the proceeding is exempt from the requirements of 49 C F R § 1105.7 (environmental reports), 49 C F R § 1105.8 (historic reports), and 49 C F R § 1105.11 (transmittal letter), Union Pacific Railroad Company- - Discontinuance of Service Exemption- -in Pittsburg, Hughes and Seminole Counties, OK 77 FR 1975-02 (1/12/12), V & S Railway, LLC - -Discontinuance of Service Exemption - -in Pueblo, Crowley and Kiowa Counties, CO, 77 FR 38713-01 (6/28/12); Norfolk Southern Railway Company- -Discontinuance of Service Exemption - -in Forsyth County, NC 76 FR 65319-02 (10/20/11); Yellowstone Valley Railroad, L.L.C - -Discontinuance of Service Exemption- -in Dawson and Richland Counties, Mont., 76 FR 37888-01 (6/28/11).

9. Applicants' representative to whom correspondence relating to this matter should be addressed is Benjamin C Dunlap, Jr., Esquire, Nauman, Smith, Shissler and Hall, LLP, 200 North Third Street, 18th Floor, Harrisburg, Pennsylvania 17101, Telephone: (717) 236-3010, Ext. 21, E-mail bdunlapjr@nssh.com
10. Applicants acknowledge that the Board must require provisions for protection of the interests of employees as a condition of any discontinuance and that it may not in the exercise of its exemption authority relieve a rail carrier from an obligation to protect the interests of employees. See 49 U.S.C. §§ 10903(b)(2) and 10502(g), as amended. Applicants believe that the appropriate level of labor protection to be imposed is that contained in the conditions set forth in Oregon Short Line Railroad Company – Abandonment – Goshen, 360 I.C.C. 91 (1979).
11. The undersigned counsel for Conrail certifies that (a) the notice requirements of 49 C.F.R. § 1152.50(d)(1) have been complied with by the sending on February 15, 2013 of letters to the agencies and entities specified in 49 C.F.R. § 1152.50(d)(1) (copies of which are attached hereto as Exhibit "B"); and (b) the requirements of 49 C.F.R. § 1105.12 have been fulfilled by the publishing of a notice on February 21, 2013 in the Home News Tribune, a newspaper of general circulation in Middlesex County, New Jersey. An Affidavit of Publication and a copy of the text of this notice are attached hereto as Exhibit "C".



BENJAMIN C. DUNLAP, JR., ESQUIRE

Nauman, Smith, Shissler & Hall, LLP
200 North Third Street, 18th Floor
Harrisburg, PA 17101
(717) 236-3010, Ext. 21

Counsel for Consolidated Rail Corporation

DATE: March 18, 2013

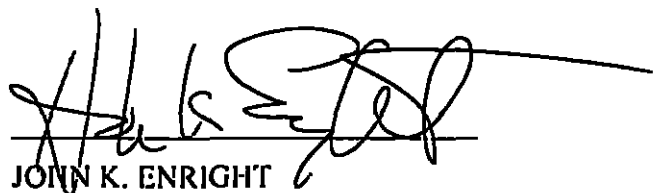
SERVICE LIST

U.S. Department of the Interior National Park Service Chief, Land Resources Division 1849 C Street - Room 3120 Washington, DC 20240	David Dorfman, P E Railroads for National Defense Program SDDC Transportation Engineering Agency 1 Soldier Way, Building 1900W Scott AFB, IL 62225-5006
Department of Defense Attention Military Traffic Management Command 1 Soldier Way, Building 1900W Scott AFB, IL 62225-5006	U.S. Department of Transportation Office of the Special Assistant for Transportation Engineering 1200 New Jersey Avenue, SE Washington, DC 20590
U S Department of the Interior National Park Service Recreation Resources Assistance Division 1201 Eye Street, NW, 9 th Floor (Org Code 2240) Washington, D.C. 20005	Commissioner James S. Simpson New Jersey Department of Transportation 1035 Parkway Avenue P.O. Box 600 Trenton, NJ 08625
Tom Tidwell, Chief U S Forest Service 1400 Independence Avenue, N.W. Washington, D.C. 20250-0003	Dennis Reidenbach, Regional Director National Park Service – Northeast Region U. S. Custom House 200 Chestnut Street, 5th Floor Philadelphia, PA 19106
Anne K. Quinlan, Secretary Surface Transportation Board 395 E Street, SW Washington, D.C. 20423-0001	Talvin E. Davis, Director, Multimodal Services State of New Jersey Department of Transportation P O. Box 600 Trenton, NJ 08625-0600

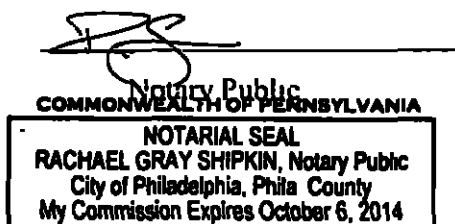
VERIFICATION

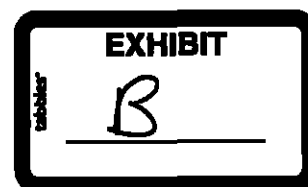
COMMONWEALTH OF PENNSYLVANIA :
: ss
COUNTY OF PHILADELPHIA :

John K. Enright, being duly sworn, makes oath and says that he is Associate General Counsel of Consolidated Rail Corporation, that he has been authorized by proper corporate action of Consolidated Rail Corporation to verify and file with the Surface Transportation Board the foregoing Notice of Exemption; that he has carefully examined all of the statements in the Notice as well as the exhibits attached hereto and made a part thereof, that he has general knowledge of the facts and matters relied upon in such Notice; and that all representations set forth therein are true and correct to the best of his knowledge, information and belief


JOHN K. ENRIGHT

Sworn To and Subscribed
Before Me This 8th Day
of MARCH, 2013





Please Reply to:
P. O. Box 840
Harrisburg, PA 17108-0840

Benjamin C. Dunlap, Jr.
E-mail: bdunlapjr@nssh.com
(717) 236-3010, Ext. 21

February 15, 2013

U.S. Department of the Interior National Park Service Chief, Land Resources Division 1849 C Street - Room 3120 Washington, DC 20240	David Dorfman, P.E. Railroads for National Defense Program SDDC Transportation Engineering Agency 1 Soldier Way, Building 1900W Scott AFB, IL 62225-5006
Department of Defense Attention Military Traffic Management Command 5611 Columbia Pk (701 NAS) Falls Church, VA 22041-5050	U.S. Department of Transportation Office of the Special Assistant for Transportation Engineering 1200 New Jersey Avenue, SE Washington, DC 20590
U.S. Department of the Interior National Park Service Recreation Resources Assistance Division 1201 Eye Street, NW, 9 th Floor (Org Code 2240) Washington, D.C. 20005	Robert M. Hanna, President New Jersey Board of Public Utilities 44 South Clinton Avenue, 9 th Floor Trenton, NJ 08625
Tom Tidwell, Chief U.S. Forest Service 1400 Independence Avenue, N.W. Washington, D.C. 20250-0003	

RE. Docket No. AB 167 (Sub-No. 1192X)
Consolidated Rail Corporation -- Discontinuance
Exemption -- in Middlesex County, New Jersey

Docket No. AB 55 (Sub-No. 723X)
CSX Transportation, Inc. -- Discontinuance
Exemption -- in Middlesex County, New Jersey

Docket No. AB 290 (Sub-No. 342X)
Norfolk Southern Railway Company -- Discontinuance
Exemption -- in Middlesex County, New Jersey

Dear Sir/Madam:

This is to notify you pursuant to 49 C.F.R. 1152.50(d)(1) that on or after March 7, 2013, Consolidated Rail Corporation ("Conrail"), CSX Transportation, Inc. ("CSXT"), and Norfolk Southern Railway Company ("NS") intend to file combined Notices of Exemption with the Surface Transportation Board for

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discontinuance of service of the rail line shown on the enclosed maps, and more fully described below:

Name: Millstone Industrial Track

Location: Middlesex County, New Jersey, traversing United States Postal Service Zip Codes 08901, 08903 and 08906.

Line Code: 10 1428

Description of Track: From approximately milepost 0.77± to approximately milepost 3.00± in Middlesex County, New Jersey.

Length of Track: 2.23 total miles±

The Notices of Exemption will be filed pursuant to the provisions of 49 C.F.R. 1152.50 regarding discontinuance of out-of-service lines of railroad. Because the subject line is out of service and has handled no traffic for the past two years, the discontinuance will result in no change in current operations or maintenance. The purpose of the discontinuance of Milepost 0.77 to 3.00 is that Conrail does not anticipate service on this line for the foreseeable future. There have been no customers served off of this segment for over two years.

Based on information in our possession, the line does not contain federally granted rights-of-way. Any documentation in the railroad's possession will be made available promptly to those requesting it.

If you have any questions concerning this proceeding, please contact me.

Very truly yours,

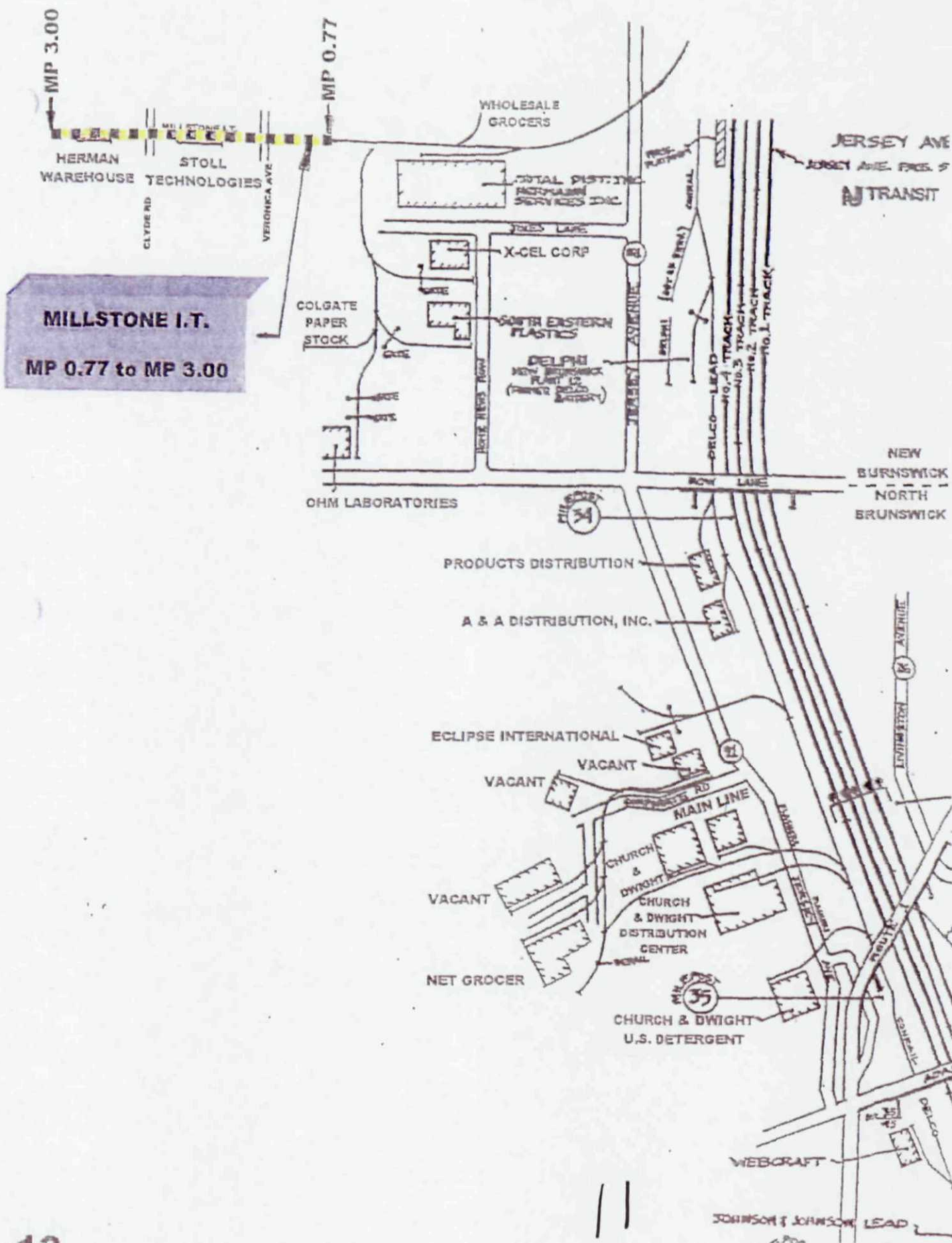


Benjamin C. Dunlap, Jr.

Enclosures

cc: Anne K. Quinlan, Secretary
Surface Transportation Board
395 E Street, SW
Washington, D.C. 20423-0001

Dennis Reidenbach, Regional Director
National Park Service - Northeast Region
U. S. Custom House
200 Chestnut Street, 5th Floor
Philadelphia, PA 19106



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Benjamin Dunlap - Correspondence re. discontinuance of rail line service

From: "Hewitt, Diane" <Diane.Hewitt@bpu.state.nj.us>
To: <bdunlapjr@nssh.com>
Date: 3/7/2013 10:36 AM
Subject: Correspondence re. discontinuance of rail line service

Mr. Dunlap,

Per our phone conversation this morning, please send any future correspondence regarding the discontinuance of rail line service to.

Commissioner James S. Simpson
New Jersey Department of Transportation
1035 Parkway Avenue
PO Box 600
Trenton, NJ 08625

The New Jersey Board of Public Utilities does not need to receive correspondence on these matters. We will forward your letters dated February 15 and 22 to Commissioner Simpson's office

Thank you.

Diane Hewitt
Office of the President
New Jersey Board of Public Utilities
44 South Clinton Avenue
PO Box 350
Trenton, NJ 08625
Tel: 609-777-3310
Fax: 609-292-2264
diane.hewitt@bpu.state.nj.us

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Affidavit of Publication

Publisher's Fee \$27.56 Affidavit \$35.00

State of New Jersey } SS.

Middlesex County

Personally appeared Anna Pugliese

Of the Home News Tribune, a newspaper printed in Freehold, New Jersey and published in East Brunswick, in said County and State, and of general circulation in said county, who being duly sworn, depose and saith that the advertisement of which the annexed is a true copy, has been published in the said newspaper 1 times, once in each issue as follows.

2/21/13

Kathleen A. Gibson

Notary Public State of New Jersey

My Commission Expires Dec. 18, 2014

A D 2013

[Signature]
Sworn and subscribed before me, this
21 day of February, 2013

Kathleen A. Gibson
Notary Public of New Jersey

OTHER HEADINGS

NOTICE

Consolidated Rail Corporation gives notice that on or after March 7, 2013, it intends to file with the Surface Transportation Board 395 E Street, SW, Washington, DC 20423 a notice of discontinuance under 49 CFR 1152 Subpart F - Exempt Discontinuance permitting the discontinuance of a 2.23 mile line of railroad known as the Millstone Industrial Tract between railroad milepost 0.77 and railroad milepost 3.00, which traverses through United States Postal Service Zip Codes 08901, 08903 and 08906 in Middlesex County, New Jersey. The proceeding will be docketed as STB No. AB 157 (Sub-No. 1192X). Small areas with potential filing of a discontinuance application, CSX Transportation, Inc. ("CSXT") and Norfolk Southern Railway Company ("NS") will be filing Notices of Discontinuance of Service with respect to the said lines (those applications will be docketed as STB No. AB 55 (Sub-No. 723X (CSXT)) and STB No. AB 290 (Sub-No. 342X (NS)).

Appropriate offers of financial assistance to subsidize continued railroad service on the line (not to purchase the line) can be filed with the Board. Requests for environmental conditions also can be filed with the Board. An original and 10 copies of any pleading that raises matters other than environmental issues (such as rail service subsidy offers) must be filed directly with the Board's Section of Administration, Office of Proceedings, 395 E Street, SW, Washington, DC 20423-0001, and one copy must be served on applicants representative. Questions regarding offers of financial assistance to subsidize continued railroad service on the line may be directed to the Board's Office of Public Assistance, Governmental Affairs, and Compliance at 202-245-0245. Copies of any comments or requests for conditions should be served on the applicants representative Benjamin C. Dunlap, Jr., Esquire, Nauman, Smith, Stauder & Hall LLP, 200 North Third Street, 18th Floor, Harrisburg, PA 17101, telephone 717-236-3010, ext 2, E-mail: bcdunlap@nash.com (927.56) G9C847

EXHIBIT

C

13

EXHIBIT C

NOTICE

Consolidated Rail Corporation gives notice that on or after March 7, 2013, it intends to file with the Surface Transportation Board, 395 E Street, SW, Washington, DC 20423, a notice of exemption under 49 CFR 1152 Subpart F – *Exempt Discontinuances* permitting the discontinuance of a 2.23 mile line of railroad known as the Millstone Industrial Track between railroad milepost 0.77 and railroad milepost 3.00, which traverses through United States Postal Service Zip Codes 08901, 08903 and 08906 in Middlesex County, New Jersey. The proceeding will be docketed as STB No. AB 167 (Sub-No. 1192X). Simultaneous with Conrail's filing of its discontinuance application, CSX Transportation, Inc. ("CSXT") and Norfolk Southern Railway Company ("NS") will be filing Notices of Discontinuance of Service with respect to the same lines (these applications will be docketed as STB No. AB 55 (Sub-No. 723X (CSXT)) and STB No. AB 290 (Sub-No. 342X (NS)).

Appropriate offers of financial assistance to subsidize continued railroad service on the line (not to purchase the line) can be filed with the Board. Requests for environmental conditions also can be filed with the Board. An original and 10 copies of any pleading that raises matters other than environmental issues (such as rail service subsidy offers) must be filed directly with the Board's Section of Administration, Office of Proceedings, 395 E Street, SW, Washington, DC 20423-0001, and one copy must be served on applicant's representative. Questions regarding offers of financial assistance to subsidize continued railroad service on the line may be directed to the Board's Office of Public Assistance, Governmental Affairs, and Compliance at 202-245-0245. Copies of any comments or requests for conditions should be served on the applicant's representative: Benjamin C. Dunlap, Jr., Esquire, Nauman, Smith, Shissler & Hall, LLP, 200 North Third Street, 18th Floor, Harrisburg, PA 17101, telephone 717-236-3010, ext. 21, E-mail: bdunlapjr@nssh.com